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ORDINANCE NUMBER 2745

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT TO ALLOW COLLOCATION OF THREE ADDITIONAL CELLULAR ANTENNA PANELS TO BE MOUNTED ON AN EXISTING 50-FOOT TALL MONOPOLE TOWER ON A 4.0 ACRE TRACT AT 12411 TEMPLETON TRAIL, WITHIN THE OFFICE AND RESIDENTIAL-6 ZONING DISTRICTS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Farmers Branch deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance to amend the Comprehensive Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission has given reasonable consideration to, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the City of Farmers Branch City Council, in compliance with the Charter and Code of Ordinances of the City of Farmers Branch, and State law with reference to the granting of changes to the zoning classifications under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Farmers Branch is of the opinion that due to a change in condition and in order to protect the public health, welfare and safety, said change in zoning should be made;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That all matters stated herein above are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

SECTION 2. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended, by amending the Zoning Map of the City of Farmers Branch so as to grant a Specific Use Permit for collocation of three additional cellular antenna panels to be mounted on an existing 50-foot tall monopole tower, located in a 520 square foot lease area (see Exhibit "A") near the southwest corner of the existing worship facility on a 4.0 acre tract at 12411 Templeton Trail (see Exhibit "B"), within the Office and Residential-6 zoning districts.

SECTION 3. That the above described property shall be used only in the manner and for the purpose provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch as herein amended by the granting of a Specific Use Permit for collocation of three additional cellular antenna panels to be mounted on an existing 50-foot tall monopole tower, situated in accordance with the lease area attached as Exhibit "A" and the approved site plan attached as Exhibit "C" and subject to the following condition:

1. The owner(s) of the existing monopole and the antenna system(s) mounted on the monopole shall remove their respective antenna system(s) and all appurtenances including the monopole and any associated equipment buildings or cabinets within ninety (90) days subsequent to such time that the antennas and/or monopole become obsolete and/or the use is abandoned.

SECTION 4. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

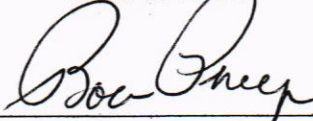
SECTION 5. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, and upon conviction shall be punished by a fine not to exceed the sum of two-thousand (\$2,000.00) dollars for each offense.

SECTION 6. In addition to, and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 7. This ordinance shall take effect immediately from and after its passage, as the law in such case provides.

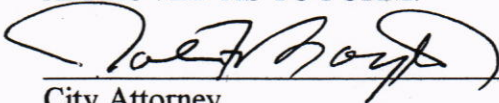
Duly passed by the City Council of the City of Farmers Branch, Texas, on this the 27th day of October 2003.

APPROVED:



Mayor

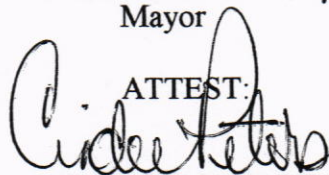
APPROVED AS TO FORM:



City Attorney

(reviewed by City Atty. J.B. 10/16/03)

ATTEST:



City Secretary

LEASE
20'**SITE MAP**

SCALE : 1" = 100'

LEGAL DESCRIPTION - LEASE AREA

BEING a tract of land out of and a portion of the H. C. Marsh Survey, Abstract No. 915, City of Farmers Branch, Texas, some being out of and a portion of that certain tract of land conveyed to Jack Meyers, R. J. Lindley and Lewis Wilds, Trustees of Chapel Hill Methodist Church by Warranty Deed dated April 03, 1961, and recorded in Volume 5541, Page 545, Deed Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at the southeast corner of said Chapel Hill Methodist Church tract, same being on the existing west Right-of-Way line of Templeton Trail;

THENCE along the south line of said Chapel Hill Methodist Church tract, South 72 degrees 42 minutes 14 seconds East, a distance of 311.45 feet;

THENCE through the interior of said Chapel Hill Methodist Church tract, North 17 degrees 17 minutes 46 seconds East, a distance of 63.10 feet to a 5/8" iron rod set for the POINT OF BEGINNING hereof;

THENCE continuing through the interior of said Chapel Hill Methodist Church tract, South 73 degrees 08 minutes 07 seconds West, a distance of 20.00 feet to a 5/8" iron rod set;

THENCE continuing through the interior of said Chapel Hill Methodist Church tract North 16 degrees 51 minutes 53 seconds West, a distance of 20.00 feet to a 5/8" iron rod set;

THENCE continuing through the interior of said Chapel Hill Methodist Church tract North 73 degrees 08 minutes 07 seconds East, a distance of 20.00 feet to a 5/8" iron rod set;

THENCE continuing through the interior of said Chapel Hill Methodist Church tract South 16 degrees 51 minutes 53 seconds East, a distance of 20.00 feet to the POINT OF BEGINNING and containing 400 square feet or 0.0092 acres of land, more or less.

Exhibit "A"

Being a tract or parcel of land out of the W.C. Marsh Survey, Abstract No. 915, situated in the City of Farmers Branch, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a point on the West line of Templeton Trail and the South line of Myra Lane;
THENCE South $0^{\circ} 07'$ East, 79.9 feet along the Western line of Templeton Trail;
THENCE Southerly along the Western line of Templeton Trail and along a curve to the left having a radius of 399.32 feet for a distance of 128.63 feet;
THENCE South $18^{\circ} 34' 20''$ East, 16.13 feet to a point in the Northwestern line of Morninostar Lane;
THENCE South $71^{\circ} 46'$ West, 503.03 feet along the Northwestern line of Morninostar Lane to a point on the Northeasterly line of Amsterdam Road;
THENCE Northwesternly along the Northeasterly line of Amsterdam Road as follows:
THENCE North $18^{\circ} 14'$ West, 108.9 feet along a curve to the left having a radius of 525 feet, a central angle of $15^{\circ} 53'$, a distance of 145.54 feet;
THENCE North $34^{\circ} 07'$ West, along a curve to the right having a radius of 275 feet, a distance of 138.02 feet to the South line of Myra Lane;
THENCE South $89^{\circ} 52'$ East, 608.2 feet along the South line of Myra Lane to the PLACE OF BEGINNING and containing 4.03 acres of land more or less.

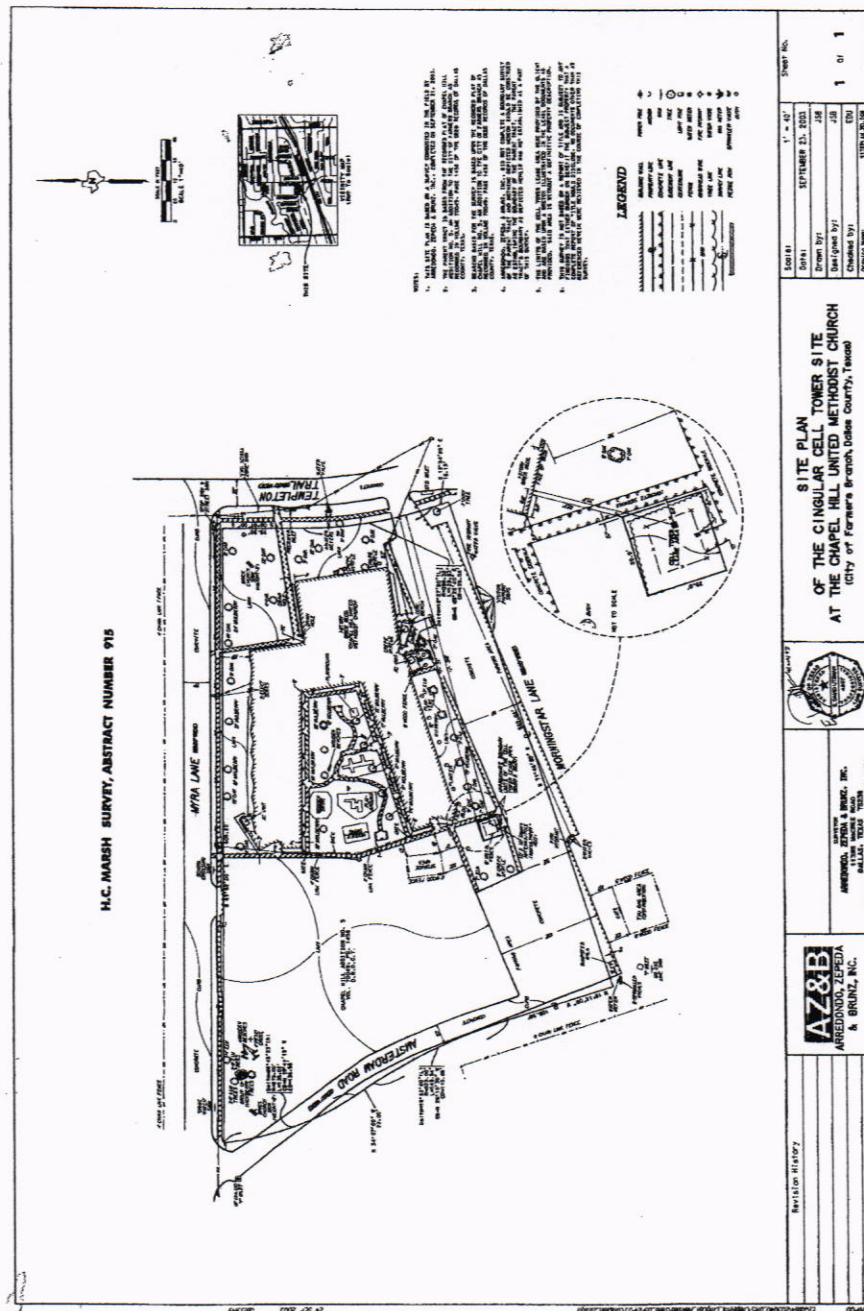


Exhibit "C"

Exhibit "C"

